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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 22188/06728	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/US 03/31021	International filing date (day/month/year) 18.09.2003	Priority date (day/month/year) 18.09.2002
International Patent Classification (IPC) or both national classification and IPC F16L19/08		
Applicant SWAGELOK COMPANY et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

- This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 02.04.2004	Date of completion of this report 01.12.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Vecchio, G Telephone No. +49 89 2399-7325 

**INTERNATIONAL PRELIMINARY
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International application No. **PCT/US 03/31021**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-29 as originally filed

Drawings, Sheets

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-29
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-29
Industrial applicability (IA)	Yes: Claims	1-29
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The subject-matter of claim 1 differs from the apparatus disclosed by one of the two documents cited in the application, for instance WO-A-02/063195, merely in the sealant material disposed in the fitting and that forms a backup seal outward the conduit gripping element upon pull-up of the fitting.

This feature solves the technical problem of insufficient sealing characteristics of the known fitting.

Since the claimed solution is already well known in the art (see, for example, US-A-4 629 221, figures 3, 8, 9 with their description, particularly column 7, lines 44-65), the skilled person who was prompted to the aforementioned technical problem would immediately consider the solution provided by US-A-4 629 221 and would adopt it in the apparatus known by WO-A-02/063195. By doing that, he would arrive at the claimed subject-matter without the use of any inventive activities.

Hence, the subject-matter of claim 1 does not involve an inventive step in the meaning of Article 33(3) PCT.

2. The above cited combination of documents would also lead directly to the subject-matter of the other claims 2-14, 16-25, 27 and 28 (the present application differs from WO-A-02/063195 de facto only in the adoption of the sealant material).

Thus, the subject-matter of claims 2-14, 16-25, 27 and 28 does not meet the criteria of Article 33(3) PCT, either.

3. Concerning the subject-matter of claims 15, 26 and 29, also the use of sealant in form of a liquid carrier suspension and the advantages thereby achieved by such fittings are already well known in the art as it is provided, for instance, by DD-A-250 744 (see abstract).

Therefore, the combination of said feature with any of claims to which claims 15, 26, 29 refer does not involve an inventive step in the sense of Article 33(3) PCT.

4. It is additionally observed that the present application contains de facto only one

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apparatus independent claim, i.e. claim 21. Hence, the criteria of Rule 6.4(a) PCT are not fulfilled

5. Moreover, the claims are provided neither in the two-part form nor with reference signs thereby contravening the requirements of Rule 6.3(b) and 6.2(b) PCT.
6. The industrial applicability of the claimed subject-matter is clearly given in the description pursuant to Article 33(4) PCT.